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Commission on Crime Prevention and Criminal Justice

Report on the ninth session

(18-20 April 2000)

Economic and Social Council

Official Records, 2000

Supplement No. 10

United Nations

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Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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Summary

At its ninth session, the Commission on Crime Prevention and Criminal Justice recommended the adoption of three draft resolutions by the General Assembly and two draft resolutions and one draft decision by the Economic and Social Council.

Draft resolutions to be approved by the Economic and Social Council for adoption by the General Assembly

In draft resolution I, the General Assembly would endorse the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, which was adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and which is to be submitted, in accordance with Assembly resolution 54/125, through the Commission and the Economic and Social Council, to the Millennium Assembly for consideration and action.

In draft resolution II, on follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the General Assembly would request the Secretary-General to prepare draft plans of action to include specific measures for the implementation of and follow-up to the commitments undertaken in the Vienna Declaration.

In draft resolution III, on an effective international legal instrument against corruption, the General Assembly would request the Secretary-General to initiate the development of such an instrument and to establish an ad hoc committee for its negotiation.

Draft resolutions and draft decision recommended for adoption by the Economic and Social Council

In draft resolution I, on basic principles on the use of restorative justice programmes in criminal matters, the Economic and Social Council would request the Secretary-General to seek comments on the desirability and means of establishing common principles on the use of restorative justice programmes; to convene a meeting of experts to review the comments received, and to examine proposals for further action and the possibility of developing an instrument such as a declaration of basic principles on the use of restorative justice programmes; and to report to the Commission at its eleventh session on the results of the meeting.

In draft resolution II, on implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Economic and Social Council would request the Secretary-General to prepare a report on the subject, taking into account the findings contained in the report of the working group of experts that met in January 2000 pursuant to Council resolution 1998/21, and would invite the Commission to consider the two reports at its tenth session.

In the draft decision, on the report of the Commission on Crime Prevention and Criminal Justice on its ninth session and provisional agenda and documentation for the tenth session of the Commission, the Economic and Social Council would approve the provisional agenda and documentation for the tenth session of the Commission.

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Chapter I

Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

DRAFT RESOLUTION I

Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

The General Assembly,

Recalling that, in its resolution 54/125 of 17 December 1999, it requested the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to submit, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, its declaration to the Millennium Assembly for consideration and action, and requested the Commission to give priority attention at its ninth session to the conclusions and recommendations of the Tenth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its fifty-fifth session,

Endorses the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the high-level segment of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,[1] as contained in the annex to the present resolution.

[1] See A/CONF.187/15.

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Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

We the Member States of the United Nations,

Concerned about the impact on our societies of the commission of serious crimes of a global nature and convinced of the need for bilateral, regional and international cooperation in crime prevention and criminal justice,

Concerned in particular about transnational organized crime and the relationships between its various forms,

Convinced that adequate prevention and rehabilitation programmes are fundamental to an effective crime control strategy and that such programmes should take into account social and economic factors that may make people more vulnerable to and likely to engage in criminal behaviour,

Stressing that a fair, responsible, ethical and efficient criminal justice system is an important factor in the promotion of economic and social development and of human security,

Aware of the promise of restorative approaches to justice that aim to reduce crime and promote the healing of victims, offenders and communities,

Having assembled at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Vienna from 10 to 17 April 2000 to decide to take more effective concerted action, in a spirit of cooperation, to combat the world crime problem,

Declare as follows:

1. We note with appreciation the results of the regional preparatory meetings for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.[2]

2. We reaffirm the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and fundamental freedoms, and promotion of the highest standards of fairness, humanity and professional conduct.

[2] A/CONF.187/RPM.1/1 and Corr.1, A/CONF.187/RPM.2/1, A/CONF.187/RPM.3/1 and A/CONF.187/RPM.4/1.

3. We emphasize the responsibility of each State to establish and maintain a fair, responsible, ethical and efficient criminal justice system.

4. We recognize the necessity of closer coordination and cooperation among States in combating the world crime problem, bearing in mind that action against it is a common and shared responsibility. In this regard, we acknowledge the need to develop and promote technical cooperation activities to assist States in their efforts to strengthen their domestic criminal justice systems and their capacity for international cooperation.

5. We shall accord high priority to the completion of the negotiation of the United Nations convention against transnational organized crime and the protocols thereto, taking into account the concerns of all States.

6. We support efforts to assist States in capacity-building, including in obtaining training and technical assistance and in developing legislation, regulations and expertise, with a view to facilitating the implementation of the convention and the protocols thereto.

7. Consistent with the goals of the convention and the protocols thereto, we shall endeavour:

(a) To incorporate a crime prevention component into national and international development strategies;

(b) To intensify bilateral and multilateral cooperation, including technical cooperation, in the areas to be covered by the convention and the protocols thereto;

(c) To enhance donor cooperation in areas with crime prevention aspects;

(d) To strengthen the capability of the Centre for International Crime Prevention, as well as the United Nations Crime Prevention and Criminal Justice Programme network, to assist States, at their request, in building capacity in areas to be covered by the convention and the protocols thereto.

8. We welcome the efforts being made by the Centre for International Crime Prevention to develop, in cooperation with the United Nations Interregional Crime and Justice Research Institute, a comprehensive global overview of organized crime as a reference tool and to assist Governments in policy and programme development.

9. We reaffirm our continued support for and commitment to the United Nations and to the United Nations Crime Prevention and Criminal Justice Programme, especially the Commission on Crime Prevention and Criminal Justice and the Centre for International Crime Prevention, the United Nations Interregional Crime and Justice Research Institute and the institutes of the Programme network, and resolve to strengthen the Programme further through sustained funding, as appropriate.

10. We undertake to strengthen international cooperation in order to create a conducive environment for the fight against organized crime, promoting growth and sustainable development and eradicating poverty and unemployment.

11. We commit ourselves to taking into account and addressing, within the United Nations Crime Prevention and Criminal Justice Programme, as well as within national crime prevention and criminal justice strategies, any disparate impact of programmes and policies on women and men.

12. We also commit ourselves to the development of action-oriented policy recommendations based on the special needs of women as criminal justice practitioners, victims, prisoners and offenders.

13. We emphasize that effective action for crime prevention and criminal justice requires the involvement, as partners and actors, of Governments, national, regional, interregional and international institutions, intergovernmental and non-governmental organizations and various segments of civil society, including the mass media and the private sector, as well as the recognition of their respective roles and contributions.

14. We commit ourselves to the development of more effective ways of collaborating with one another with a view to eradicating the scourge of trafficking in persons, especially women and children, and the smuggling of migrants. We shall also consider supporting the global programme against trafficking in persons developed by the Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice, and we establish 2005 as the target year for achieving a significant decrease in the incidence of those crimes worldwide and, where that is not attained, for assessing the actual implementation of the measures advocated.

15. We also commit ourselves to the enhancement of international cooperation and mutual legal assistance to curb illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and we establish

2005 as the target year for achieving a significant decrease in their incidence worldwide.

16. We further commit ourselves to taking enhanced international action against corruption, building on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,[3] the International Code of Conduct for Public Officials,[4] relevant regional conventions and regional and global forums. We stress the urgent need to develop an effective international legal instrument against corruption, independent of the United Nations convention against transnational organized crime, and we invite the Commission on Crime Prevention and Criminal Justice to request the Secretary-General to submit to it at its tenth session, in consultation with States, a thorough review and analysis of all relevant international instruments and recommendations as part of the preparatory work for the development of such an instrument. We shall consider supporting the global programme against corruption developed by the Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice.

17. We reaffirm that combating money-laundering and the criminal economy constitutes a major element of the strategies against organized crime, established as a principle in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime.[5] We are convinced that the success of this action rests upon setting up broad regimes and coordinating appropriate mechanisms to combat the laundering of proceeds of crime, including the provision of support to initiatives focusing on States and territories offering offshore financial services that allow the laundering of the proceeds of crime.

18. We decide to develop action-oriented policy recommendations on the prevention and control of computer-related crime, and we invite the Commission on Crime Prevention and Criminal Justice to undertake work in this regard, taking into account the ongoing work in other forums. We also commit ourselves to working towards enhancing our ability to prevent, investigate and prosecute high-technology and computer-related crime.

19. We note that acts of violence and terrorism continue to be of grave concern. In conformity with the Charter of the United Nations and taking into account all the relevant General Assembly resolutions, we will together, in conjunction with our other efforts to prevent and to combat terrorism, take effective, resolute and speedy measures with respect to preventing and combating criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations. With this in view, we undertake to do our utmost to foster universal adherence to the international instruments concerned with the fight against terrorism.

20. We also note that racial discrimination, xenophobia and related forms of intolerance continue and we recognize the importance of taking steps to incorporate into international crime prevention strategies and norms measures to prevent and combat crime associated with racism, racial discrimination, xenophobia and related forms of intolerance.

21. We affirm our determination to combat violence stemming from intolerance on the basis of ethnicity and resolve to make a strong contribution, in the area of crime prevention and criminal justice, to the planned World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

22. We recognize that the United Nations standards and norms in crime prevention and criminal justice contribute to efforts to deal with crime effectively. We also recognize the importance of prison reform, the independence of the judiciary and the prosecution authorities, and the International Code of Conduct for Public Officials. We shall endeavour, as appropriate, to use and apply the United Nations standards and norms in crime prevention and criminal justice in national law and practice. We undertake to review relevant legislation and administration procedures, as appropriate, with a view to providing the necessary education and training to the officials concerned and ensuring the necessary strengthening of institutions entrusted with the administration of criminal justice.

23. We also recognize the value of the model treaties on international cooperation in criminal matters as important tools for the development of international cooperation and

[3] Resolution 51/191, annex.

[4] Resolution 51/59, annex.

[5] A/49/748, annex.

we invite the Commission on Crime Prevention and Criminal Justice to call upon the Centre for International Crime Prevention to update the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice[6] in order to provide the most up-to-date versions of the model treaties to States seeking to utilize them.

24. We further recognize with great concern that juveniles in difficult circumstances are often at risk of becoming delinquent or easy candidates for recruitment by criminal groups, including groups involved in transnational organized crime, and we commit ourselves to undertaking countermeasures to prevent this growing phenomenon and to including, where necessary, provisions for juvenile justice in national development plans and international development strategies and to including the administration of juvenile justice in our funding policies for development cooperation.

25. We recognize that comprehensive crime prevention strategies at the international, national, regional and local levels must address the root causes and risk factors related to crime and victimization through social, economic, health, educational and justice policies. We urge the development of such strategies, aware of the proven success of prevention initiatives in numerous States and confident that crime can be reduced through applying and sharing our collective expertise.

26. We commit ourselves to according priority to containing the growth and overcrowding of pre-trial and detention prison populations, as appropriate, by promoting safe and effective alternatives to incarceration.

27. We decide to introduce, where appropriate, national, regional and international action plans in support of victims of crime, such as mechanisms for mediation and restorative justice, and we establish 2002 as a target date for States to review their relevant practices, to develop further victim support services and awareness campaigns on the rights of victims and to consider the establishment of funds for victims, in addition to developing and implementing witness protection policies.

28. We encourage the development of restorative justice policies, procedures and programmes that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties.

29. We invite the Commission on Crime Prevention and Criminal Justice to design specific measures for the implementation and follow-up of the commitments that we have undertaken in this Declaration.

DRAFT RESOLUTION II

Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*

The General Assembly,

Recalling its resolution 54/125 of 17 December 1999,

Taking note with appreciation of the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[7] held in Vienna from 10 to 17 April 2000, and of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth Congress during its high-level segment, which were considered by the Commission on Crime Prevention and Criminal Justice at its ninth session, held in Vienna from 18 to 20 April 2000,

1. *Urges* Governments, in their efforts to prevent and combat crime, especially transnational crime, and to maintain well-functioning criminal justice systems, to be guided by the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

2. *Requests* the Commission on Crime Prevention and Criminal Justice to continue at its tenth session its consideration of the findings and recommendations embodied in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth Congress, and, as appropriate, the report of the Tenth Congress and to take appropriate action;

3. *Requests* the Secretary-General to prepare, in consultation with Member States, draft plans of action to include specific measures for the implementation of and follow-up to the commitments undertaken in the Declaration for consideration and action by the Commission at its tenth session.

[6] United Nations publication, Sales No. E.92.IV.1.

* For the discussion, see chapter III.

[7] See A/CONF.187/15.

DRAFT RESOLUTION III

An effective international legal instrument against corruption*

The General Assembly,

Noting the corrosive effect that corruption has on democracy, development, the rule of law and economic activity,

Recalling its resolutions 53/111 of 9 December 1998, by which it established the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, and 54/126 of 17 December 1999, in which it requested the Ad Hoc Committee to complete its work in 2000,

Recalling also its resolution 54/128 of 17 December 1999, in which it requested the Ad Hoc Committee to explore the desirability of an international instrument against corruption, either ancillary to or independent of the United Nations convention against transnational organized crime,

Taking note of the report of the Ad Hoc Committee on its seventh session,[8] during which it considered the implementation of General Assembly resolution 54/128,

Recalling the debates and especially the statements made at the high-level segment and the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in particular the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,

Bearing in mind the need to prepare a broad instrument that takes into account existing international conventions against corruption,

1. *Recognizes* that an effective international legal instrument against corruption, independent of the United Nations convention against transnational organized crime, is desirable;

2. *Decides* to start the elaboration of such an instrument in Vienna at the headquarters of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat;

3. *Also requests* the Secretary-General to prepare a report analysing all relevant international legal instruments, other documents and recommendations addressing corruption,[9] considering, *inter alia*, obligations as regards criminalization of all forms of corruption and international cooperation, regulatory aspects of corruption and the relationship between corruption and money-laundering, and to submit it to the Commission on Crime Prevention and Criminal Justice at an inter-sessional session in order to allow Member States to provide comments to the Commission prior to its tenth session;

4. *Requests* the Commission, at its tenth session, to review and assess the report of the Secretary-General and, on that basis, to provide recommendations and guidance as to future work on the development of a legal instrument against corruption;

5. *Requests* the Secretary-General to convene, upon completion of the negotiation of the United Nations convention against transnational organized crime and the related protocols, an intergovernmental open-ended expert group to examine and prepare, on the basis of the report of the Secretary-General and of the recommendations of the Commission at its tenth session, draft terms of reference for the negotiation of the future legal instrument against corruption;

6. *Requests* the intergovernmental open-ended expert group to submit the draft terms of reference for the negotiation of the future legal instrument, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, to the General Assembly at its fifty-sixth session for adoption;

7. *Decides* to establish an ad hoc committee for the negotiation of such an instrument to start its work in Vienna as soon as the draft terms of reference for such negotiation are adopted;

8. *Invites* donor countries to assist the United Nations to ensure the effective participation of developing countries, in particular least developed countries, in the work of the intergovernmental open-ended expert group and the ad hoc committee, including travel and local expenses;

9. *Requests* the Secretary-General to provide the Commission and the intergovernmental open-ended expert

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* For the discussion, see chapter II. Regarding financial implications, see annex II.

[8] A/AC.254/25.

[9] See the annex to the present resolution for an indicative list of such legal instruments, documents and recommendations.

group with the required facilities and resources to support their work.

ANNEX

Indicative list of international legal instruments and recommendations against corruption

(a) International Code of Conduct for Public Officials;[10]

(b) United Nations Declaration against Corruption and Bribery in International Commercial Transactions;[11]

(c) General Assembly resolution 54/128, in which the Assembly subscribed to the conclusions and recommendations of the Expert Group Meeting on Corruption and its Financial Channels, held in Paris from 30 March to 1 April 1999;[12]

(d) Report of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000;[13]

(e) Inter-American Convention against Corruption, adopted by the Organization of American States on 29 March 1996;[14]

(f) Recommendation 32 of the Senior Experts Group on Transnational Organized Crime, endorsed by the Group of Eight in Lyon, France, in June 1996;

(g) The 20 principal directives for the fight against corruption, adopted by the Council of Europe on 6 November 1997;

(h) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organisation for Economic Cooperation and Development, done at Paris on 17 December 1997;

(i) Agreement Establishing the Group of States against Corruption, adopted by the Committee of Ministers of the Council of Europe on 5 May 1998, and Criminal Law Convention on Corruption, adopted by the Committee of Ministers of the Council of Europe on 4 March 1998;[15]

(j) Measure on Combating Corruption in the Private Sector, adopted by the European Union on 22 December 1998;

(k) Declarations made by the first Global Forum on Fighting Corruption, held in Washington, D.C., from 24 to 26 February 1999, and the second Global Forum, to be held in The Hague in 2001;

(l) Civil Law Convention against Corruption, adopted by the Committee of Ministers of the Council of Europe on 9 September 1999;

(m) Model Code of Conduct for Public Officials, to be submitted to the Committee of Ministers of the Council of Europe in May 2000;

(n) Principles to Combat Corruption in African Countries of the Global Coalition for Africa;

(o) Conventions and related protocols of the European Union on corruption;

(p) Best practices such as those compiled by the Basel Committee on Banking Supervision, the Financial Action Task Force on Money Laundering and the International Organization of Securities Commissions.

B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Basic principles on the use of restorative justice programmes in criminal matters*

The Economic and Social Council,

Recalling its resolution 1999/26 of 28 July 1999, entitled "Development and implementation of mediation and restorative justice measures in criminal justice", in which the Council requested the Commission on Crime Prevention and Criminal Justice to consider the desirability of formulating United Nations standards in the field of mediation and restorative justice,

[10] Resolution 51/59, annex.

[11] Resolution 51/191, annex.

[12] See E/CN.15/1999/10, paras. 1-14.

[13] A/CONF.187/15.

[14] E/1996/99.

[15] Council of Europe, *European Treaty Series*, No. 173.

* For the discussion, see chapter IV.

Noting the discussions on restorative justice during the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,[16] in relation to the agenda item entitled "Offenders and victims: accountability and fairness in the justice process",

Recognizing that the use of restorative justice measures does not prejudice the right of States to prosecute alleged offenders,

1. *Takes note* of the submission of the preliminary draft elements of a declaration of basic principles on the use of restorative justice programmes in criminal matters, annexed to the present resolution;

2. *Requests* the Secretary-General to seek comments from Member States and relevant intergovernmental and non-governmental organizations, as well as the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, on the desirability and the means of establishing common principles on the use of restorative justice programmes in criminal matters, including the advisability of developing an instrument, such as the preliminary draft elements of a declaration annexed to the present resolution, and on the contents of this draft;

3. *Also requests* the Secretary-General to convene, subject to the availability of voluntary contributions, a meeting of experts selected on the basis of equitable geographical representation to review the comments received and to examine proposals for further action in relation to restorative justice, including mediation, as well as the possibility of developing an instrument such as a declaration of basic principles on the use of restorative justice programmes, taking into account the preliminary draft elements of a declaration annexed to the present resolution;

4. *Further requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its eleventh session on the comments received and the results of the meeting of experts;

5. *Invites* the Commission to take action at its eleventh session, on the basis of the report of the Secretary-General;

6. *Calls upon* Member States, building on the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000, to continue to exchange information on experiences in the implementation and evaluation of programmes for restorative justice, including mediation.

ANNEX

Preliminary draft elements of a declaration of basic principles on the use of restorative justice programmes in criminal matters

I. *Definitions*

1. "Restorative justice programme" means any programme that uses restorative processes or aims to achieve restorative outcomes.

2. "Restorative outcome" means an agreement reached as the result of a restorative process. Examples of restorative outcomes include restitution, community service and any other programme or response designed to achieve reparation for the victim and community and reintegration of the victim and/or the offender.

3. "Restorative process" means any process in which the victim, the offender and/or any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, often with the help of a fair and impartial third party. Examples of restorative processes include mediation, conferencing and sentencing circles.

4. "Parties" means the victim, the offender and any other individuals or community members affected by a crime who may be involved in a restorative justice programme.

5. "Facilitator" means a fair and impartial third party whose role is to facilitate the participation of victims and offenders in an encounter programme.

II. *Use of restorative justice programmes*

6. Restorative justice programmes should be generally available at all stages of the criminal justice process.

7. Restorative processes should be used only with the free and voluntary consent of the parties. The parties should be able to withdraw such consent at any time during the process. Agreements should be arrived at voluntarily by the parties and contain only reasonable and proportionate obligations.

[16] See A/CONF.187/15.

8. All parties should normally acknowledge the basic facts of a case as a basis for participation in a restorative process. Participation should not be used as evidence of admission of guilt in subsequent legal proceedings.

9. Obvious disparities with respect to factors such as power imbalances and the parties' age, maturity or intellectual capacity should be taken into consideration in referring a case to and in conducting a restorative process. Similarly, obvious threats to any of the parties' safety should also be considered in referring any case to and in conducting a restorative process. The views of the parties themselves about the suitability of restorative processes or outcomes should be given great deference in this consideration.

10. Where restorative processes and/or outcomes are not possible, criminal justice officials should do all they can to encourage the offender to take responsibility vis-à-vis the victim and affected communities, and reintegration of the victim and/or offender into the community.

III. *Operation of restorative justice programmes*

11. Guidelines and standards should be established, with legislative authority when necessary, that govern the use of restorative justice programmes. Such guidelines and standards should address:

(a) The conditions for the referral of cases to restorative justice programmes;

(b) The handling of cases following a restorative process;

(c) The qualifications, training and assessment of facilitators;

(d) The administration of restorative justice programmes;

(e) Standards of competence and ethical rules governing operation of restorative justice programmes.

12. Fundamental procedural safeguards should be applied to restorative justice programmes and in particular to restorative processes:

(a) The parties should have the right to legal advice before and after the restorative process and, where necessary, to translation and/or interpretation. Minors should, in addition, have the right to parental assistance;

(b) Before agreeing to participate in restorative processes, the parties should be fully informed of their rights, the nature of the process and the possible consequences of their decision;

(c) Neither the victim nor the offender should be induced by unfair means to participate in restorative processes or outcomes.

13. Discussions in restorative processes should be confidential and should not be disclosed subsequently, except with the agreement of the parties.

14. Judicial discharges based on agreements arising out of restorative justice programmes should have the same status as judicial decisions or judgements and should preclude prosecution in respect of the same facts (*non bis in idem*).

15. Where no agreement can be made between the parties, the case should be referred back to the criminal justice authorities and a decision as to how to proceed should be taken without delay. Lack of agreement may not be used as justification for a more severe sentence in subsequent criminal justice proceedings.

16. Failure to implement an agreement made in the course of a restorative process should be referred back to the restorative programme or to the criminal justice authorities and a decision as to how to proceed should be taken without delay. Failure to implement the agreement may not be used as justification for a more severe sentence in subsequent criminal justice proceedings.

IV. *Facilitators*

17. Facilitators should be recruited from all sections of society and should generally possess good understanding of local cultures and communities. They should be able to demonstrate sound judgement and the interpersonal skills necessary to conducting restorative processes.

18. Facilitators should perform their duties in an impartial manner, based on the facts of the case and on the needs and wishes of the parties. They should always respect the dignity of the parties and ensure that the parties act with respect towards each other.

19. Facilitators should be responsible for providing a safe and appropriate environment for the restorative process. They should be sensitive to any vulnerability of the parties.

20. Facilitators should receive initial training before taking up facilitation duties and should also receive in-service training. The training should aim at providing skills in conflict resolution, taking into account the particular needs of victims and offenders, at providing basic knowledge of the criminal justice system and at providing a

thorough knowledge of the operation of the restorative programme in which they will do their work.

V. *Continuing development of restorative justice programmes*

21. There should be regular consultation between criminal justice authorities and administrators of restorative justice programmes to develop a common understanding of restorative processes and outcomes, to increase the extent to which restorative programmes are used and to explore ways in which restorative approaches might be incorporated into criminal justice practices.

22. Member States should promote research on and evaluation of restorative justice programmes to assess the extent to which they result in restorative outcomes, serve as an alternative to the criminal justice process and provide positive outcomes for all parties.

23. Restorative justice processes may need to undergo change in concrete form over time. Member States should therefore encourage regular, rigorous evaluation and modification of such programmes in the light of the above definitions.

DRAFT RESOLUTION II

Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*

The Economic and Social Council,

Recognizing the importance of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985, and the adoption of the Declaration as an important landmark in international efforts to improve the treatment of victims,

Bearing in mind that the General Assembly, in its resolution 40/34, called upon Member States to take the necessary steps to give effect to the provisions of the Declaration, and urged United Nations entities, other intergovernmental organizations and non-governmental organizations to cooperate in the implementation of those provisions,

Recalling its resolution 1998/21 of 28 July 1998, in which it requested the Secretary-General to seek the views of Member States regarding the desirability and feasibility of establishing an international fund for victims of crime and abuse of power and to convene a working group of experts on this matter, consisting of Member States that expressed an interest in such a fund,

Recalling also the draft plan of action for the implementation of the declaration of basic principles of justice for victims of crime and abuse of power, annexed to its resolution 1998/21,

Deeply concerned about the continuing victimization by crime, especially organized crime, violence, terrorism and abuse of power, in particular of vulnerable individuals such as women and children, which exacts a vast human cost and impairs the quality of life in many parts of the world,

1. *Notes with appreciation* the work done by the working group of experts that met in January 2000 pursuant to resolution 1998/21;

2. *Takes note* of the finding of the working group of experts that there is a need to provide adequate assistance to initiatives in the area of victim care;

3. *Requests* the Secretary-General to prepare a report on possible ways and means of providing adequate assistance to initiatives in the area of victim care, taking into account, *inter alia*, the existing mechanisms providing such assistance and the report of the working group of experts, and to submit it to the Commission on Crime Prevention and Criminal Justice at its tenth session;

4. *Calls upon* the Secretary-General, Member States and intergovernmental and non-governmental organizations to continue to take the necessary steps to give effect to the provisions of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in cooperation with United Nations entities and other intergovernmental and non-governmental organizations;

5. *Invites* the Commission on Crime Prevention and Criminal Justice to consider at its tenth session the report of the working group of experts and the report of the Secretary-General.

C. Draft decision for adoption by the Economic and Social Council

3. The Commission also recommends to the Economic and Social Council the adoption of the following draft decision:

* For the discussion, see chapter IV.

DRAFT DECISION*

Report of the Commission on Crime Prevention and Criminal Justice on its ninth session and provisional agenda and documentation for the tenth session of the Commission

The Economic and Social Council

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its ninth session;

(b) Approves the provisional agenda and documentation for the tenth session set out below.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE TENTH SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

1. Election of officers.

(Legislative authority: rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council and Commission decision 1/101)

2. Adoption of the agenda and organization of work.

Documentation

Annotated provisional agenda

(Legislative authority: Economic and Social Council resolution 1992/1 and decision 1997/232 and rules 5 and 7 of the rules of procedure of the functional commissions of the Economic and Social Council)

3. [Discussion on the theme "Progress made in global action against corruption"

(Legislative authority: Commission resolution 9/1)]

4. International cooperation in combating transnational crime.

Documentation

Report of the Secretary-General on the analysis of international instruments against corruption

(Legislative authority: draft resolution entitled "An effective international legal instrument against corruption" (E/CN.15/2000/L.5/Rev.1))

Report of the Secretary-General on measures to regulate firearms for the purpose of combating illicit trafficking in firearms

(Legislative authority: Economic and Social Council resolution 1998/18)

Report of the Secretary-General on the results of the study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes

(Legislative authority: General Assembly resolution 54/127 and Economic and Social Council resolution 1998/17)

Report of the Secretary-General on the conclusions of the study on effective measures to prevent and control computer-related crime

(Legislative authority: Economic and Social Council resolution 1999/23)

5. Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Documentation

Plan for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

(Legislative authority: General Assembly resolutions 52/91, 53/110 and 54/125, Economic and Social Council resolutions 1993/23 and 1999/55 and decision 1999/261 and draft resolution entitled "Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century" (E/CN.15/2000/L.4/Rev.1))

Note by the Secretariat on the review of the role, function, periodicity, duration and rules of procedure of the United Nations congresses on the prevention of crime and the treatment of offenders

(Legislative authority: General Assembly resolution 54/125)

6. Work of the Centre for International Crime Prevention.

Documentation

Report of the Executive Director on the work of the Centre for International Crime Prevention, containing information on progress made in the implementation

* For the discussion, see chapter VI.

of General Assembly resolution 54/128 and Economic and Social Council resolution 1999/24

(Legislative authority: General Assembly resolutions 53/114 and 54/128 and Economic and Social Council resolutions 1992/22, 1999/23, 1999/24 and 1999/26)

Report of the Secretary-General on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network

(Legislative authority: Economic and Social Council resolutions 1992/22 and 1999/23)

7. United Nations standards and norms in crime prevention and criminal justice.

Documentation

Report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice

(Legislative authority: Economic and Social Council resolutions 1996/16 and 1998/21)

Report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, for the period 1994-1998

(Legislative authority: Economic and Social Council resolutions 1745 (LIV) and 1995/57 and Commission on Human Rights resolution 1999/61)

(a) Victims of crime and abuse of power;

Documentation

Report of the Secretary-General on the plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

(Legislative authority: Economic and Social Council resolutions 1996/14, 1997/31 and 1998/21 and draft resolution entitled "Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" (E/CN.15/2000/L.3/Rev.1))

(b) Effective crime prevention.

Documentation

Report of the Secretary-General on effective crime prevention

(Legislative authority: Economic and Social Council resolutions 1997/33 and 1999/25)

Report of the Secretary-General on the elimination of violence against women

(Legislative authority: General Assembly resolution 52/86 and Economic and Social Council resolution 1996/12)

8. Strategic management and programme questions.

(Legislative authority: Economic and Social Council resolution 1999/55 and Commission resolutions 6/1 and 7/1)

Documentation

Note by the Secretariat on the proposed programme of work for the biennium 2002-2003

9. Provisional agenda for the eleventh session of the Commission.

(Legislative authority: rule 9 of the rules of procedure for the functional commissions of the Economic and Social Council and Council decision 1997/232)

10. Adoption of the report of the Commission on its tenth session.

D. Matters brought to the attention of the Economic and Social Council

4. The attention of the Economic and Social Council is drawn to the following resolution adopted by the Commission:

Resolution 9/1. Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme*

The Commission on Crime Prevention and Criminal Justice,

Mindful of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme, annexed to General Assembly resolution 46/152 of 18 December 1991,

* For the discussion, see chapter V.

Recalling Economic and Social Council resolutions 1999/51 of 29 July 1999, on restructuring and revitalization of the United Nations in the economic, social and related fields and cooperation between the United Nations and the Bretton Woods institutions, and 1999/55 of 30 July 1999, on integrated and coordinated implementation of and follow-up to major United Nations conferences and summits,

Recalling also Economic and Social Council decision 1997/232 of 21 July 1997,

Reaffirming its resolutions 1/1, 4/3, 5/3 and 6/1 on strategic management,

1. *Decides* to continue to follow its established multi-year programme of work, according to which each session of the Commission should have one prominent theme;

2. *Also decides* that the theme for its tenth session shall be "Progress made in global action against corruption".

Chapter II

International cooperation in combating transnational crime: elaboration of an international convention against transnational organized crime and other possible international instruments

A. Structure of the debate

5. At its 1st-3rd meetings, on 18 and 19 April, the Commission on Crime Prevention and Criminal Justice considered agenda item 4. It had before it the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2000/2) and the progress report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime (A/AC.254/30-E/CN.15/2000/4).

6. At its 1st meeting, on 18 April, following an introductory statement by the Officer-in-Charge of the Centre for International Crime Prevention, the Commission heard a statement by the representative of China.

7. At its 3rd meeting, on 19 April, the Commission heard statements by the representatives of the Islamic Republic of Iran, Thailand, the United States of America and Mexico. The observer for Australia also made a statement.

B. Deliberations

8. Pursuant to General Assembly resolution 54/126 of 17 December 1999, the Commission at its ninth session had before it a progress report submitted by the Ad Hoc Committee established by the General Assembly in its resolution 53/111 of 9 December 1998 for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea (A/AC.254/30-E/CN.15/2000/4).

9. The Ad Hoc Committee had held eight sessions and had made significant progress in the implementation of its extremely important and difficult mandate. Since January 2000, it had begun the finalization of the text of the draft convention and had made considerable progress in the development of the draft protocols. In doing so, the Ad Hoc Committee had tackled a number of delicate and complex matters of both a substantive and a political nature. Its mandate called for the finalization of the draft instruments and the submission of the final texts to the General Assembly at its fifty-fifth session for adoption. It was foreseen that, following the adoption of the instruments, a high-level signing conference would be held in Palermo, Italy, pursuant to an offer made by the Government of Italy. The availability of the convention and the protocols thereto as key tools for the realization of the common objectives of the international community would ensure that tangible and measurable results would begin appearing soon.

10. It was noted that success in the joint effort against transnational organized crime would depend on the ability of all States to deny safe havens to organized criminal groups. The universality of the convention and its protocols would be a crucial element of that ability. In ensuring the universal nature of the instruments and in making sure that the concerns of all States were fully reflected in the final products, the negotiation process should be characterized by a full understanding that the effectiveness of the instruments would depend to a large extent on their quality. Such effectiveness would be determined to a considerable degree by the absence of ambiguity and the strength of the provi-

sions of the instruments as much as by the broad and consistent implementation of such provisions. Advance planning to support first the ratification process and then the implementation of the convention and its protocols was considered essential. The ninth session of the Commission provided an opportunity for States to begin considering the most appropriate ways, means and mechanisms for such support, as the completion of the negotiations was approaching.

11. The Ad Hoc Committee also reported to the Commission on the implementation of General Assembly resolution 54/128 of 17 December 1999, entitled "Action against corruption". The Ad Hoc Committee had concluded that the subject of action against corruption would require a broader approach than that afforded by the convention against transnational organized crime. An international legal instrument against corruption, independent of the convention against transnational organized crime, was deemed desirable and had received support. It was emphasized, however, that work on such an instrument should begin after the completion of the negotiation of the convention and its protocols.

12. Several speakers highlighted the important contribution of the ministerial workshop hosted by the Government of Thailand in Bangkok on 20 and 21 March 2000 in galvanizing political support for the negotiation of the convention and the related protocols and in promoting common understanding that would allow for the negotiations to fully take into account the concerns of all countries.

C. Action taken by the Commission

13. At its 4th meeting, on 20 April, the Commission recommended that the Economic and Social Council approve for adoption by the General Assembly a draft resolution entitled "An effective international legal instrument against corruption" (E/CN.15/2000/L.5/Rev.1), sponsored by Albania, Argentina, Austria, Belgium, Benin, Bolivia, Botswana, Brazil, Canada, Chile, Colombia, the Czech Republic, Ecuador, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Madagascar, Mexico, the Netherlands, Norway, Pakistan, Peru, Poland, Portugal, Romania, the Russian Federation, South Africa, Sweden, the former Yugoslav Republic of Macedonia, Togo, Ukraine, the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland. For the text, see chapter I, section A, draft resolution III.

Chapter III

Consideration of the recommendations of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

A. Structure of the debate

14. At its 1st-3rd meetings, on 18 and 19 April, the Commission on Crime Prevention and Criminal Justice considered agenda item 5. It had before it the report of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000 (A/CONF.187/L.2 and Corr.1 and Add.1-3 and A/CONF.187/L.3-L.10), and a note by the Secretariat (E/CN.15/2000/6).

15. At its 1st meeting, on 18 April, following an introductory statement by the Officer-in-Charge of the Centre for International Crime Prevention, the Commission heard a statement from the representative of Portugal (on behalf of the States members of the European Union that are Members of the United Nations), with which the following States also associated themselves: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey. The Commission also heard statements by the representative of Canada and by the observer for Oman. The observers for the Council of Arab Ministers of the Interior and the Asia Crime Prevention Foundation also made statements.

16. At its 2nd meeting, on 18 April, the Commission heard statements by the representatives of Mexico and Argentina. The observers for Guatemala and Colombia also made statements.

17. At its 3rd meeting, on 19 April, the Commission heard statements by the representatives of the Philippines, Nigeria, Costa Rica, Egypt and Morocco. Statements were also made by the observers for Guatemala (on behalf of the Group of Latin American and Caribbean States), Finland, Colombia, Madagascar, Lebanon, Cuba, Uzbekistan and Venezuela.

B. Deliberations

18. The participants expressed their full support for the Vienna Declaration on Crime and Justice: Meeting the

Challenges of the Twenty-first Century, adopted by the high-level segment of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Participants also drew attention to the call contained in the Declaration to identify strategies, at the local, national and global levels, to combat crime, including organized crime, and to incorporate prevention components into such strategies. While recognizing the importance and relevance of the United Nations congresses on the prevention of crime and the treatment of offenders, participants noted the need to review their organization, structure and agenda, in particular their periodicity, substantive and thematic focus, format and title, with a view to providing greater opportunity for in-depth discussion on selected themes of interest in order to achieve better results at future congresses. It was recalled that, at its forthcoming tenth session, the Commission should have a comprehensive discussion on how future congresses were to be organized. The Tenth Congress had demonstrated the usefulness of the congresses; the high-level segment, the workshops and the ancillary meetings should have more important roles to play in future congresses. Participants emphasized the contribution made by individual experts and non-governmental organizations at the workshops and ancillary meetings held during the Tenth Congress, noting that Governments should participate more actively in those meetings at future congresses, which should achieve a balance in participation between States, regions and types of legal system.

19. One observer drew attention to the fact that the report of the Tenth Congress did not include an explicit reference to his country's initiative for the establishment of an international centre to combat international terrorism. A number of representatives expressed the wish that a summary of the proceedings of the high-level segment be included in the report that had been adopted by the Tenth Congress. The Rapporteur-General of the Tenth Congress stated that he would include a summary of the debate in the report to the General Assembly and offered his cooperation to interested delegations. Another representative noted that the Vienna Declaration did not include a reference to crimes related to the management of hazardous waste and requested that such an item be included in the agenda of the tenth session of the Commission.

20. The representative of Mexico reiterated the offer made by his Government at the Tenth Congress to host the next congress. The Commission would examine, at its tenth session, the title, format and themes of future congresses. The observer for Guatemala, speaking on behalf of the Group of Latin American and Caribbean States, supported the offer made by the Government of Mexico.

21. Participants also expressed full support for the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime and voiced the expectation that the convention and the three protocols thereto would be completed in time for submission to the General Assembly at its fifty-fifth session, in 2000. Participants expressed their full support for the development of an international instrument against corruption, noting that work on such an instrument should commence after the completion of the draft United Nations convention against transnational organized crime and the protocols thereto.

C. Action taken by the Commission

22. At its 4th meeting, on 20 April, the Commission recommended that the Economic and Social Council approve for adoption by the General Assembly two draft resolutions. The first, entitled "Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century", had been submitted by the Chairman of the Commission (E/CN.15/2000/L.4/Rev.1); the other, entitled "Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders", had been submitted by the Chairman of the Committee of the Whole (E/CN.15/2000/L.6/Rev.1). For the text see chapter I, section A, draft resolutions I and II.

Chapter IV
Work of the Centre for International Crime Prevention

A. Structure of the debate

23. At its 2nd meeting, on 18 April, the Commission on Crime Prevention and Criminal Justice considered agenda item 3. It had before it the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2000/2) and the progress report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime (A/AC.254/30-E/CN.15/2000/4).

24. At its 2nd meeting, on 18 April, following an introductory statement by the representative of the Centre for

International Crime Prevention, the Commission heard statements by the representatives of Colombia, Ecuador, Finland, France, Germany, Guatemala, the Netherlands and the Sudan.

25. At its 3rd meeting, on 19 April, the Commission heard statements by the representatives of the Philippines, Costa Rica, Egypt, Brazil, Canada and Ecuador. Statements were also made by the observers for Portugal (on behalf of the States members of the European Union that are Members of the United Nations) and Australia. A statement was also made by the observer for the Latin American Institute for the Prevention of Crime and the Treatment of Offenders.

B. Deliberations

26. General appreciation was expressed for the excellent quality of the report of the Executive Director on the work of the Centre (E/CN.15/2000/2). Participants also recognized the valuable work performed by the Centre in implementing the global programmes against corruption, trafficking in human beings and transnational organized crime at the regional and national levels. In particular, some delegations noted with appreciation the technical assistance provided by the Centre under the framework of the global programme against trafficking in human beings. They called upon States to increase their financial contributions to the Centre for the implementation of the global programmes. Representatives also welcomed the Centre's efforts in other areas, such as crime prevention and prison reform. In particular, it was proposed to enhance the work on juvenile justice and to consider the issue at the tenth session of the Commission. Other delegations called upon the Centre to enhance its mandated activities in the fight against terrorism.

27. The desirability of ensuring a balanced approach in the work programme of the Centre was noted by several representatives. In that connection, the Centre's efforts to develop a new programme activity in crime prevention were welcomed and interest was expressed in working closely with the Centre on the formulation of such a programme.

28. Several speakers referred to the important work of the Centre in collecting information from Member States on the use and application of United Nations standards and norms in crime prevention and criminal justice, in particular those on capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/CN.15/2000/3); the Basic Principles on the Role of Lawyers;[17] the Guidelines on the Role of Prosecutors;[18] and on progress achieved on juvenile justice reform (E/CN.15/2000/4); and the United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules) (General Assembly resolution 45/110, annex). They noted that the timely distribution of questionnaires was desirable in order to give Member States sufficient time to respond. It was proposed that the Secretary-General submit to the Commission at its tenth session a single report on the use and application of such standards and norms.

29. Several representatives proposed that the report of the Secretary-General on capital punishment be considered by the Commission at its tenth session.

30. The view was expressed that communication and coordination between the Centre, the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other international and regional organizations should be strengthened.

31. With regard to the proposed medium-term plan for the period 2002-2005, the Secretariat indicated that it was going to include separate programmes for crime prevention and criminal justice and for drug control. The proposed medium-term plan for the United Nations International Drug Control Programme had been presented to the Commission on Narcotic Drugs at its forty-third session, in March 2000, and the Commission on Crime Prevention and Criminal Justice was invited to review, comment and make recommendations as appropriate on the draft programme narrative on crime prevention and criminal justice for the proposed medium-term plan (E/CN.15/2000/CRP.1).

C. Action taken by the Commission

32. At its 4th meeting, on 20 April, the Commission recommended to the Economic and Social Council the adoption of two draft resolutions. The first, entitled "Basic principles on the use of restorative justice programmes in criminal matters", had been submitted by Albania, Angola, Argentina, Australia, Austria, Belgium, Bolivia, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, the Czech

[17] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.3, annex.

[18] Ibid., sect. C.26, annex.

Republic, Ecuador, France, Germany, Hungary, Ireland, Italy, Malta, Mexico, Namibia, the Netherlands, Norway, Oman, the Philippines, Portugal, the Republic of Korea, Romania, Sierra Leone, Slovakia, South Africa, Spain, the Sudan, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Zambia (E/CN.15/2000/L.2/Rev.1). The other, entitled "Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power", had been submitted by Belgium, Germany, the Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland (E/CN.15/2000/L.3/Rev.1). For the text, see chapter I, section B, draft resolutions I and II.

Chapter V

Strategic management and programme questions

A. Structure of the debate

33. At its 3rd meeting, on 19 April, the Commission on Crime Prevention and Criminal Justice considered agenda item 6. It had before it the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2000/2) and a note by the Secretariat on the medium-term plan for the period 2002-2005: crime prevention and criminal justice (E/CN.15/2000/CRP.1).

34. Following an introductory statement by the representative of the Centre for International Crime Prevention, the Commission heard statements by the representatives of the United States of America, France and Canada.

35. Statements were also made by the observers for Finland and the Netherlands.

B. Deliberations

36. Speakers underlined the need to maintain the Commission's initiative in providing strategic direction to the United Nations Crime Prevention and Criminal Justice Programme and highlighted the efforts undertaken so far. One such example was the important role of the bureau of the Commission in maintaining direct contact with those involved in the Programme between the sessions of the Commission.

37. There was agreement that further efforts should be made to streamline the documentation submitted to the Commission. The Commission was called upon to maintain the necessary restraint in calling for reporting. In view of the reduced length of the ninth session of the Commission, consideration of a number of reports had been postponed to the tenth session. This was the case for reports on the use and application of a number of standards and norms, including the United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules); the Basic Principles on the Role of Lawyers; and the Guidelines on the Role of Prosecutors. Such reports were prepared on the basis of the replies received from Member States to questionnaires that had been prepared by the Secretariat pursuant to discussions held at previous sessions of the Commission. Speakers underlined that the processing of such questionnaires should be done in such a way as to allow sufficient time for States to initiate consultations with all national agencies concerned. It was stressed that, in accordance with the Commission's decisions on strategic management, addenda to such reports should be prepared when a sufficient number of additional countries had replied to the questionnaires. It was suggested that consideration of the reports on the use and application of three additional instruments, the International Code of Conduct for Public Officials (General Assembly resolution 51/59, annex); the United Nations Declaration on Crime and Public Security (resolution 51/60, annex); and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions (resolution 51/191, annex) should be deferred to the eleventh session of the Commission. There was agreement that the bureau of the Commission should decide which of the reports to be submitted to the Commission could be made orally.

38. Several speakers commented on the note by the Secretariat on the medium-term plan for the period 2002-2005 containing the proposed narrative for programme 12, Crime prevention and criminal justice, of the draft medium-term plan (E/CN.15/2000/CRP.1). There was agreement that the proposed programme provided a valuable framework for translating the legislative mandates into programme activities with a view to streamlining activities and making the work of the United Nations Crime Prevention and Criminal Justice Programme more efficient. One challenge for the Commission was to ensure that mandated activities for the Programme and the new mandate emanating from the Vienna Declaration would be matched by adequate resources. Regarding the call for enhanced technical assistance, in particular, such activities could only

be successfully implemented if a solid resource base was provided.

39. Several representatives considered that the medium-term plan, covering a four-year period, should reflect a balanced approach. While issues related to transnational organized crime, corruption and related topics were of immediate priority, as reflected in the relevant legislative mandates, general criminal justice problems, such as prevention and standards and norms, should also be addressed. One representative welcomed the inclusion of indicators of achievement in the medium-term plan. It was suggested that reference should be made to the role of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network. Several representatives also suggested that the list of legislative mandates should be complemented to include related resolutions, such as General Assembly resolution 50/181 and Economic and Social Council resolutions 1999/23, 1999/24, 1999/26, 1999/27 and 1999/28. One representative indicated that his delegation would be submitting its comments in writing to the Secretariat.

C. Action taken by the Commission

40. At its 4th meeting, on 20 April, the Commission adopted a resolution entitled "Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme" (E/CN.15/2000/L.1). For the text, see chapter I, section D, resolution 9/1.

Chapter VI

Provisional agenda for the tenth session of the Commission

A. Structure of the debate

41. At its 4th meeting, on 20 April, the Commission on Crime Prevention and Criminal Justice considered agenda item 7. It had before it a draft resolution entitled "Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme" a draft decision submitted by the Chairman entitled "Report of the Commission on Crime Prevention and Criminal Justice on its ninth session and provisional agenda and documentation for the tenth session of the Commission" (E/CN.15/2000/L.1).

42. Following introductory statements by the Chairman and the Rapporteur, the Commission heard statements by the representatives of Egypt, the United States, Italy, Canada, the Islamic Republic of Iran, Japan, China, France, Germany, Thailand, Saudi Arabia, Spain, the Philippines, Benin and Botswana. Statements were also made by the observers for Finland, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, Austria, Portugal, Sweden, Norway, Oman and the United Arab Emirates. The Observer for the United Nations Interregional Crime and Justice Research Institute also made a statement.

B. Deliberations

43. In line with its past practice regarding the multi-year programme, the Commission further considered the prominent themes to be identified for its future sessions. There was agreement that each year the Commission should decide on the prominent theme for its subsequent session, as this would provide the Commission with flexibility in selecting the most appropriate theme. It was agreed that the priority theme for the tenth session of the Commission should be "Progress made in global action against corruption".

44. The Commission adopted the draft resolution entitled "Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme". For the text, see chapter I, section D, resolution 9/1.

45. In the discussion on the provisional agenda and documentation for the tenth session of the Commission, speakers agreed on the need to have a streamlined and well-focused agenda. Decisions on reporting obligations should be made taking into full account the criteria set out in Commission resolution 6/1 on strategic management. Further, in deciding on the reporting cycle, both the capacity of the Commission to deal adequately with issues at its sessions and the capacity of the Secretariat to prepare substantive reports had to be taken into account. The Secretariat should continue its present practice of keeping reports concise and brief.

46. Regarding the request to draw up a plan for the implementation of the Vienna Declaration, it was agreed that the Secretariat should prepare an outline on programme activities to be presented at the next inter-sessional meeting. This should allow time for preparing a proposal for submission to

the Commission at its tenth session with the full involvement of interested Member States.

47. Several speakers underlined that the Commission would need to be updated regularly on the activities and work plans of the institutes of the United Nations Crime Prevention and Criminal Justice Programme network. Such input was of particular relevance in view of the above-mentioned mandate for the tenth session of the Commission to draw up a plan for the implementation of the Vienna Declaration.

48. Concerning reporting on the use and application of standards and norms, there was consensus that, in line with the earlier decisions of the Commission, a minimum number of replies should have been received before a report was prepared.

49. Based on the recommendation of the bureau to defer reporting of a number of issues under the item entitled "United Nations standards and norms in crime prevention and criminal justice" to the eleventh session of the Commission, in 2002, a number of speakers suggested that the issues of mediation and restorative justice, penal reform and juvenile justice should be combined under an item entitled "Reform of the criminal justice system". It was also suggested that this should be the prominent theme for the twelfth session of the Commission, in 2003.

C. Action taken by the Commission

50. The Commission recommended the draft decision entitled "Report of the Commission on Crime Prevention and Criminal Justice on its ninth session and provisional agenda and documentation for the tenth session of the Commission" for adoption by the Economic and Social Council. For the text, see chapter I, section C, draft decision.

Chapter VII
Adoption of the report of the Commission on its ninth session

51. At its 4th meeting, on 20 April, the Commission adopted by consensus the report on its ninth session (E/CN.15/2000/L.1 and Add.1-7), as orally amended. Statements were made by the representatives of Mexico, Canada, Thailand, China, Egypt, France, the United States, Pakistan the Russian Federation and Poland. Statements were also made by the observers for the United Kingdom, Cuba and Chile, and by the Executive Director of the Office for Drug Control and Crime Prevention.

Chapter VIII
Organization of the session

A. Opening and duration of the session

52. The Commission on Crime Prevention and Criminal Justice held its ninth session in Vienna from 18 to 20 April 2000, immediately following the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000. The Commission held nine meetings. The Committee of the Whole held its meetings in parallel with the plenary.

53. The ninth session of the Commission on Crime Prevention and Criminal Justice was opened by the outgoing Chairman of the eighth session, Ana María Cortez de Soriano (Bolivia).

54. At the opening meeting, the Executive Director of the Office for Drug Control and Crime Prevention addressed the Commission.

55. The Officer-in-Charge of the Centre for International Crime Prevention also addressed the Commission.

B. Attendance

56. The ninth session was attended by representatives of 38 States members of the Commission. Also attending were observers for 59 other States Members of the United Nations, 2 non-member States, representatives of organizations of the United Nations system and observers for the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, 7 intergovernmental organizations and 24 non-governmental organizations. A list of participants is contained in annex I to the present report.

C. Election of officers

57. At its 1st meeting, on 20 April, the Commission elected the following officers by acclamation:

Chairman:	Vladimiro Zagrebelsky (Italy)
Vice-Chairmen:	Shaukat Umer (Pakistan) Mokhtar Reguieg (Algeria) Janusz Rydzkowski (Poland)
Rapporteur:	Eugenio M. Curia (Argentina)

58. The elected officers constituted the bureau of the Commission, which met several times during the session to consider matters relating to the organization of work and to strategic management.

59. Following his election, the Chairman of the ninth session made a brief introductory statement.

D. Agenda and organization of work

60. At its 1st meeting, on 20 April, the Commission adopted by consensus its provisional agenda (E/CN.15/2000/1), which had been agreed on by the Commission at its eighth session and approved by the Economic and Social Council in its decision 1999/262. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Work of the Centre for International Crime Prevention:
   (a) Technical cooperation;
   (b) Crime prevention;
   (c) Standards and norms;
   (d) Cooperation with United Nations entities and other bodies;
   (e) Resource mobilization.
4. International cooperation in combating transnational crime: elaboration of an international convention against transnational organized crime and other possible international instruments.
5. Consideration of the recommendations of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
6. Strategic management and programme questions:
   (a) Strategic management;
   (b) Programme questions.
7. Provisional agenda for the tenth session of the Commission.
8. Adoption of the report of the Commission on its ninth session.

61. At the same meeting, the Commission adopted the proposed organization of work for its ninth session, contained in annex I to the provisional agenda, which included four meetings for the Committee of the Whole.

E. Documentation

62. The documents before the Commission at its ninth session are listed in annex III to the present report.

Annex I

Attendance

Members*

Algeria	Mokhtar Reguieg, Abdelghani Hamel, Mohamed Tayeb Khouatra, Ghazli Samir, Saleh Francis El-Hamdi, Linda Briza
Argentina	Eugenio Maria Curia, Esteban Marino, Mariana Siga
Belarus	Victor Chaichits, Olga Zvereva
Belgium	Michel Adam, Huber Roisin, J. S. Jamart, Wouter Boucique, M. F. Gazan, W. De Mayer
Benin	Joseph Gnonlonfoun, Olivier Guezo, Ayi Vissinto d'Almeida
Bolivia	Juan Antonio Chahín Lupo, Oscar Crespo Soliz, Jaime Niño de Guzmán Q., Ana María Cortez de Soriano, Juan Ignacio Siles, Alberto Morales, Marco Alandia N.
Botswana	Norman S. Moleboge, Tymon M. Katlholo, Duncan Gower, Herman Kau, Kenny Kapinga, Victor V. Ghanie, Lilian Monnakgosi
Brazil	Sergio de Queiroz Duarte, Manuel Gomes Pereira, Luís Ivaldo Villafañe Gomes Santos
Canada	Paul Dubois, Richard Mosley, Donald Piragoff, Alan Morgan, Lucie Angers, Mary-Anne Kirvan, David Daubney, Robert Cormier, James Hayes, Michel Vallée
China	Zhang Yishan, Zheng Jingren, Guo Jianan, Liu Yinghai, Liu Tianfeng, Fu Zhian, Diao Mingsheng, Zhai Jinrong, Li Xiangmin, Bai Ping, Zhang Xiaoming, Wu Haiwen
Costa Rica	Ronald Woodbridge
Ecuador	Patricio Palacios, Juan F. Holguín
Egypt	Maher Abdel Wahed, Sameh Shoukry, Iskandr Ghattas, Nashat El Hilaly, Hani Khallaf, Adel Fahmy, Ibrahim Khairat, Bahgat El Sherbini, Hoda Lofty, Hassan Abdel Moneim El Badrawi, Soliman Abdel Monein, Ashraf Mohsen, Mohamed Sami, Mohamed Youssef, Yasser El Atawy
France	Bérengère Quincy, Philippe Delacroix, Brigitte Collet, Jacques Lajoie, Delphine Lida, Bruno Nedelec, Catherine Thony, Mathilde Paganon, François Falletti, Michel Gauthier, Daniel Fontanaud
Germany	Karl Borchard, Hans Peter Plischka, Detlev Boenke, Thomas Fitschen, Joachim Ziegler, Isabel Schmitt-Falckenberg
India	Jayant Umranikar
Iran (Islamic Republic of)	Mir Mohammad Sadeghi, Mehdi Danesh-Yazdi, Mohammad Salehi Rad, Seyed Ali Mohammad Mousavi, Ali Hajigholam Saryazdi, Mohammad Ashouri

* Côte d'Ivoire and Jamaica were not represented at the session.

Italy	Vincenzo Manno, Vladimiro Zagrebelsky, Gioacchino Polimeni, Gualtiero Michelini, Giovanni Liguori, Maria Grazia Milano
Japan	Nobuyasu Abe, Mikinao Kitada, Masayoshi Kamohara, Michiaki Ozaki, Kiyoshi Koinuma, Keiichi Aizawa, Mamoru Miura, Hiroshi Iitsuka, Keisuke Senta, Nobuyuki Kawai, Kazuhito Suzuki, Naoki Onishi, Kyoko Terao, Sinya Watanabe, Yoshiyuki Ishiwata, Nubuhiro Watanabe, Katsuhiko Jinbo
Mexico	Olga Pellicer, Ricardo Cámara Sánchez, Joel Hernández García, Vanessa Patiño Bonnemaire
Morocco	Abderrahim Benmoussa, Taïb Cherkaoui, Omar Choukri, Abdellatif Saadi, Jamal El Hadary, Mohammed Benabdnabaoui, Omar Kadiri
Nigeria	Mohammed L. Uwais Con, Ibrahim Y. Lame, Abdul Bin Rimdap, Zakari Andiir Malnerbe, Bernard Barida Mikko, Ibrahim M. Jarma, Bahir Wali, Dahiru Saleh, Bukar Ali, O. O. Onovo, F. N. Molokwu, Dahiru Adamu, Adikwu F. Okoh, Abba B. Mohammed, Abdel Adelekun Ayoko, Mohammed Lawan Gana, Okey N. Emuchay
Pakistan	Malik Asif Hayat, Shaukat Umer, Iffat Imran Gardezi
Peru	Ana Reátegui Napuri, José Antonio Neyra Flores, Cubillas Arizaga, Edgardo Vargas Romero, Raúl Loarte Ramos, Aldo Figueroa, Eduardo Bernales, Manuel Alvarez Espinal
Philippines	Victor G. Garcia III, Maria Cleofe R. Natividad, Mary Anne A. Padua, Felix V. de Leon Jr.
Poland	Henryk Szlajfer, Janusz Rydzkowski, Ryszard Rychlik, Mariusz Skowroński, Beata Ziarkiewicz, Edyta Lapińska, Jacek Such
Republic of Korea	Chung Hae-moon, Choi Hong-ghi, Paek Kee-bong, Kim Kyung-soo, Jang Joon-oh
Romania	Cristina Luzescu, Adrian Vierita
Russian Federation	S. N. Karev, V. V. Loshchinin, Y. V. Golik, S. V. Platonov, I.L. Smirnov, V. A. Grobovoy, V. Kwashis, A. E. Melnik, A. V. Zinevich, S. V. Zemsky, A. Y. Averin, M. V. Kotelnikov
Saudi Arabia	Omar bin Muhammad Kurdi, Abdulrahim Al-Ghamdi, Abdulrahman Hamdan Shamrani, Fahid Nasir Al-Mijmaj, Ahmed Abdal-Karim Al-Marzuki, Abdulrahman M. Jarallah, Mohamed Alowlah, Mohammed Abdal-Aziz Al-Mehizea, Saoud Al-Mutlaq
Sierra Leone	Allieu Ibrahim Kanu
South Africa	N. J. Mxakato-Diseko, D. W. Mashego, M. Rwelamira, D. M. Balia, J. E. Sishuba, L. E. Glanz, E.M.J. Steyn, H.J.J. Prozesky, M. Mabetoa, N. S. Schoombie, N. P. Notutela
Spain	Francisco Bueno Arús, Valentín Dueñas Jiménez, Jesús José Tirado Estrada, Álvaro Trejo Gabriel y Galán , Manuel Nieto Rodríguez, Esteban Gándara Trueba
Sudan	Abdel Ghaffar A. Hassan, Abu Elgasim Abdel Wahid Idris, Kuren Akuei Pac

Thailand	Suchart Traiprasit, Sorayouth Prompoj, Bundit Rajatanun, Karn Chiranond, Sirisak Tiyapan, Prasit Siripakorn, Kaimook Phatsanayongphinyo, Jumpol Pinyosinwat, Ruangsit Tankarnjananurak, Torsak Buranaruangroj, Morakot Sriswasdi, Chavanart Thangsumphant
Togo	Bénivi Joachim Beni-Locco
Tunisia	Abdelaziz Chaabane, Abderrazak Mansour, Nabil Ammar
United States of America	Elizabeth G. Verville, Michelle Avery, Kathleen Barmon, Jeff Bullwinkel, Sherman Hinson, Kenneth Propp, S. Gail Robertson, Herbert Traub, Ian Kelly

States Members of the United Nations represented by observers

Albania, Angola, Australia, Austria, Azerbaijan, Brunei Darussalam, Bulgaria, Burundi, Cameroon, Chile, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ethiopia, Finland, Georgia, Greece, Guatemala, Hungary, Indonesia, Iraq, Ireland, Jordan, Kazakhstan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Mali, Malta, Namibia, Netherlands, Nicaragua, Niger, Norway, Oman, Panama, Portugal, Rwanda, Slovakia, Slovenia, Swaziland, Sweden, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Non-member States represented by observers

Holy See, Switzerland

United Nations

United Nations Interregional Crime and Justice Research Institute

Affiliated regional institutes and associated institutes

Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control, affiliated with the United Nations, African Institute for the Prevention of Crime and the Treatment of Offenders, Australian Institute of Criminology, International Centre for Criminal Law Reform and Criminal Justice Policy, International Institute of Higher Studies in Criminal Sciences, Naif Arab Academy for Security Sciences

Specialized agency

United Nations Educational, Scientific and Cultural Organization

Intergovernmental organizations

Asian-African Legal Consultative Committee, Association of South-East Asian Nations, International Centre for Migration Policy Development, Organization for Security and Cooperation in Europe, Organization of the Islamic Conference, Sovereign Military Order of Malta

Non-governmental organizations

General consultative status:

Caritas Internationalis (International Confederation of Catholic Charities), International Abolitionist Federation, International Alliance of Women—Equal Rights, Equal Responsibilities, International Council of Women, International Federation of Business and Professional Women, Zonta International

Special consultative status:

Asia Crime Prevention Foundation, Asian Women's Human Rights Council, Europe 2000, Friends World Committee for Consultation, General Arab Women Federation, Howard League for Penal Reform, International Association Against Drug Abuse and Drug Trafficking, International Council of Psychologists, International Federation of University Women, International League for Human Rights, International Society of Social Defence, Marangopoulos Foundation for Human Rights, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Groups of German Associations, Pax Romana, Penal Reform International, Prison Fellowship International, World Council of Independent Christian Churches, World Society of Victimology

Annex II

Programme budget implications of the revised draft resolution on an effective international legal instrument against corruption*

Statement submitted by the Secretary-General in accordance with rule 31 of the rules of procedure of the Economic and Social Council

1. In operative paragraph 5 of the revised draft resolution, the General Assembly would make a request to the Secretary-General that would entail programme budget implications for the biennium 2000-2001 and operative paragraphs 7 and 8 deal with budgetary and administrative issues that are not within the competence of the Commission on Crime Prevention and Criminal Justice.

2. The request contained in operative paragraph 5 would imply the need to convene an intergovernmental open-ended expert group and a resumed tenth session of the Commission in 2001. In order to examine and prepare draft terms of reference for the future instrument against corruption, the Secretariat estimates that the intergovernmental open-ended expert group would need to meet for ten working days. Moreover, if the Commission were to meet formally to review the recommendations of the group, the Secretariat assumes that the Commission would need two working days to review those recommendations. On that basis, the programme budget implications of the request contained in paragraphs 3 and 5 would be as follows (the requirements are estimated on a full-cost basis):

	United States dollars
(a) Conference-servicing requirements for the meeting of the intergovernmental open-ended expert group in 2001	
Meeting in Vienna, 10 days	
Meeting services, including interpretation (A/C/E/F/R/S)	165 000
Parliamentary documentation:	
Pre-session: 32 pages in all official languages	29 700
In-session: 32 pages in all official languages	29 700
Post-session: 32 pages in all official languages	29 700
General operating expenses	10 000
	99 100

* For the text of the revised draft resolution, which originally appeared under the symbol E/CN.15/2000/L.5/Rev.1, see chapter I, section A, draft resolution III. For the discussion, see chapter III.

(b) Conference-servicing requirements for the resumed tenth session of the Commission, in 2001

Meeting in Vienna, 2 days	
Meeting services, including interpretation (A/C/E/F/R/S)	18 400
Parliamentary documentation:[a]	
In-session: 32 pages in all official languages	29 700
Post-session: 32 pages in all official languages	29 700
General operating expenses	2 000
	61 400
Total conference-servicing requirements	**343 900**

[a] It is assumed that the pre-session documentation of the resumed tenth session of the Commission would consist of the post-session output of the intergovernmental open-ended expert group meeting. Thus no costing for pre-session documentation is included in the present estimate.

3. The activities described in paragraph 5 are new and were not included in the calendar of meetings and conferences for the biennium 2000-2001. However, it should be noted that provision has been made in the programme budget for that biennium not only for meetings programmed at the time of the preparation of the budget, but also for meetings authorized subsequently, provided that the number and distribution of meetings are consistent with the pattern of meetings of the past years. Consequently, no additional resources would be needed for the conference servicing of the resumed session of the Commission and the meeting of the intergovernmental open-ended expert group in 2001.

4. The request contained in paragraph 8 of the draft resolution would imply a waiver of the provision contained in General Assembly resolution 1798 (XVII) of 11 December 1962 regarding the payment of travel and subsistence allowances to members of organs and subsidiary organs of the United Nations. In addition, it is the understanding of the Secretariat that the payment of such allowances would be subject to the availability of extrabudgetary resources.

5. The attention of the Commission is drawn to the fact that the request contained in paragraph 9 of the draft resolution deals with administrative and budgetary issues that are not within the competence of the Commission. In that regard, the attention of the Commission is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters; reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions; expressed its concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters; and invited the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for administrative and budgetary matters.

Annex III

List of documents before the Commission on Crime Prevention and Criminal Justice at its ninth session

Document number	*Agenda item*	*Title or description*
A/AC.254/30- E/CN.15/2000/4		Progress report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime
E/CN.15/2000/1	2	Adoption of the agenda and organization of work
E/CN.15/2000/2	3	Report of the Executive Director on the work of the Centre for International Crime Prevention
E/CN.15/2000/3	3 (c)	Note by the Secretariat on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty
E/CN.15/2000/5	3 (c)	Progress achieved regarding juvenile justice reform
E/CN.15/2000/6	5	Note by the Secretariat on the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
E/CN.15/2000/L.1		Matters calling for action by the Economic and Social Council or brought to its attention
E/CN.15/2000/L.1/Add.1		International cooperation in combating transnational crime: elaboration of an international convention against transnational organized crime and other possible international instruments
E/CN.15/2000/L.1/Add.2		Consideration of the recommendations of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
E/CN.15/2000/L.1/Add.3		Work of the Centre for International Crime Prevention
E/CN.15/2000/L.1/Add.4		Strategic management and programme questions
E/CN.15/2000/L.2/Rev.1	3 (c)	Albania, Australia, Austria, Bolivia, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Czech Republic, Italy, Germany, Malta, Namibia, Netherlands, Portugal, Sierra Leone, South Africa, Spain, Sudan, Swaziland and Zambia: revised draft resolution
E/CN.15/2000/L.3/Rev.1	3 (c)	Belgium, Germany, Netherlands, Sweden and United Kingdom of Great Britain and Northern Ireland: revised draft resolution
E/CN.15/2000/L.4/Rev.1	5	Revised draft resolution submitted by the Chairman of the Commission on Crime Prevention and Criminal Justice

Document number	*Agenda item*	*Title or description*
E/CN.15/2000/L.5/Rev.1	3 (c)	Austria, Bolivia, Ecuador, Finland, France, Germany, Netherlands, Norway, Portugal, Romania, Sweden and United Kingdom of Great Britain and Northern Ireland: revised draft resolution
E/CN.15/2000/L.6/Rev.1	5	Revised draft resolution submitted by the Chairman of the Committee of the Whole
E/CN.15/2000/CRP.1	6 (b)	Note by the Secretariat on the medium-term plan for the period 2002-2005
E/CN.15/2000/CRP.2		Evaluation questionnaire
E/CN.15/2000/CRP.3	4	Proposal for the foundation of an international fund for support to victims of transnational crime
E/CN.15/2000/NGO/1	3 (c), 4 and 5	Statement submitted by the International Council of Women and Zonta International (non-governmental organizations in general consultative status with the Economic and Social Council) and the International Council on Alcohol and Addictions, the International Federation of University Women, the International Society of Social Defence, the Italian Centre of Solidarity, the National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Groups of German Associations, E.V., and Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students) (non-governmental organizations in special consultative status with the Economic and Social Council)
E/CN.15/2000/NGO/2	3 (b) and (c)	Statement submitted by the Asia Crime Prevention Foundation (non-governmental organization in special consultative status with the Economic and Social Council)
E/CN.15/2000/NGO/3	3 (b)	Statement submitted by the International Council of Women, the International Federation of Business and Professional Women, Soroptimist International and Zonta International (non-governmental organizations in general consultative status with the Economic and Social Council) and the International Federation of University Women (non-governmental organization in special consultative status with the Economic and Social Council)
E/CN.15/2000/NGO/4	3 (a)	Statement submitted by the Centro Nazionale di Prevenzione e Difesa Sociale, a non-governmental organization in special consultative status with the Economic and Social Council

Document number	*Agenda item*	*Title or description*
E/CN.15/2000/NGO/5	3 (b)	Statement submitted by the following non-governmental organizations in consultative status with the Economic and Social Council: the International Council of Women, the International Federation of Business and Professional Women, Soroptimist International and Zonta International (general consultative status); and the International Federation of University Women (special consultative status)

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